HEWLETT-PACKARD COMPANY
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PATENT APPLICATION

ATTORNEY DOCKET NO. 200209086-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Ramanathan Kasiviswanathan et al

Confirmation No.: 4154

Application No.: 10/802,163

Examiner: Ojo O. Oyebisi

Filing Date: March 16, 2004

Group Art Unit: 3694

Title: A TRANSACTION SWITCH AND A METHOD OF USE THEREOF

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Commissioner For Patents
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Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on March 27, 2008.

☒ The fee for filing this Appeal Brief is $510.00 (37 CFR 41.20).

☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120	☐ 2nd Month $460	☐ 3rd Month $1050	☐ 4th Month $1640

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of $ 510 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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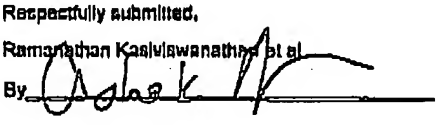
Typed Name: Judy H. Chung
Signature: 

Rev 10/07(AplBrief)

Total number of pages: 27

Respectfully submitted,
Ramanathan Kasiviswanathan et al
By 
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Respectfully submitted,
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APPEAL BRIEF - PATENTS

Sir:

This is an Appeal Brief in connection with the decisions of the Examiner in a Final Office Action dated January 28, 2008, and the Notice of Appeal filed on March 27, 2008. It is respectfully submitted that the present application has been more than twice rejected. Each of the topics required in an Appeal Brief and a Table of Contents are presented herewith and labeled appropriately.

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PATENT

Atty Docket No.: 200209086-1
App. Ser. No.: 10/802,163

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Atty Docket No.: 200209086-1
App. Ser. No.: 10/802,163

(1) Real Party In Interest

The real party in interest is Hewlett-Packard Development Company, L.P.

(2) Related Appeals And Interferences

There are no other appeals or interferences related to this case.

(3) Status Of Claims

Claims 1-19 are pending in the present application of which claims 1, 5, 10, 13, and 18 are independent.

Claims 1-19 are all rejected.

Claims 1-19 are appealed.

(4) Status of Amendments

No amendment was filed subsequent to the Final Office Action dated January 28, 2008.

(5) Summary Of Claimed Subject Matter

It should be understood that the subject matter of the claims identified below are supported in at least the following cited sections of the present application. Thus, other sections in the present application may provide the same or additional support as well.

1. A method of handling a financial transaction in a transaction switch, the method comprising the steps of:

receiving a primary transaction request from an initiator; See paragraphs 27-32 and figs 3-4.

identifying a host from a routing table for receiving the primary transaction request based on details provided in the primary transaction request; See paragraphs 27-32 and figs 3-4.

transmitting the primary transaction request to the identified host; See paragraphs 27-32 and figs 3-4.

receiving a response from the identified host, See paragraphs 27-32 and figs 3-4.

determining a need for transmitting the primary transaction request to another host; See paragraphs 13, 14, 20-21 and 27-32 and figs 3-4.

interpreting the response received and transmitting a final outcome back to the initiator. See paragraphs 27-32 and figs 3-4.

4. The method according to Claim 3 further comprising

receiving a secondary transaction containing a reference to the primary transaction request; See paragraph 32 and fig 5.

retrieving a transaction history using the unique identifier; and See paragraph 32 and fig 5.

transmitting a request to a host contained in the transaction history for reversing the primary transaction. See paragraph 32 and fig 5.

5. A method of handling a composite financial transaction in a transaction switch, the steps comprising:

receiving a primary transaction request from an initiator; See paragraph 27 and fig 3.

identifying the transaction as a composite transaction wherein the composite transaction comprises a transaction type and a payment type; See paragraph 27 and fig 3.

preparing a plurality of transaction packets for transmission to a plurality of hosts based on the transaction type and the payment type; See paragraphs 22-25.

receiving a plurality of responses at the switch from the plurality of hosts, and interpreting the plurality of responses and transmitting a final outcome to the initiator. See paragraphs 22-25.

9. The method according to Claim 8 further comprising:

receiving a secondary transaction containing a reference to the primary transaction request; See paragraph 32 and fig 5.

retrieving a transaction history using the unique identifier; and See paragraph 32 and fig 5.

transmitting a request to hosts contained in the transaction history for reversing the primary transaction. See paragraph 32 and fig 5.

10. A transaction switch comprising:

means for processing a transaction request; See transaction switch 202 in fig 2 and paragraphs 34-35.

means for identifying the transaction as multi-host , wherein a multi-host transaction is a transaction that has to be routed to multiple hosts; See transaction switch 202 in fig 2 and paragraphs 13 and 34-35.

means for identifying the transaction as composite, wherein a composite transaction comprises a plurality of transactions, each to be transmitted to a different host, and the plurality of transactions have different payment types and transaction types; See transaction switch 202 in fig 2 and paragraphs 22-25 and 34-35.

means for identifying the transaction as both multi-host and composite; See transaction switch 202 in fig 2 and paragraphs 13 and 34-35.

means for identifying a first host for processing the transaction; and See transaction switch 202 in fig 2 and paragraphs 13 and 34-35.

means for interpreting a response from the host after processing the transaction and determining a need for further processing. See transaction switch 202 in fig 2 and paragraphs 15 and 34-35.

12. The switch according to Claim 10 further includes means for preparing a plurality of transaction packets for a transaction identified as composite and identifying the payment and transaction types for each of the plurality of transaction packets. See transaction switch 202 in fig 2 and paragraphs 22-25 and 34-35.

13. A financial transaction handling system comprising:

an initiator for initiating a primary transaction request; See 204 in fig 2.

a transaction switch in communication with the initiator; and See switch 202 in fig 2.

at least one host in communication with the transaction switch for processing the transaction request; See 206, 208 and 210 in fig 2.

wherein the transaction switch comprises:

means for processing the primary transaction request; See transaction switch 202 in fig 2 and paragraphs 34-35.

means for identifying the primary transaction request as multi-host, wherein a multi-host transaction is a transaction that has to be routed to multiple hosts; See transaction switch 202 in fig 2 and paragraphs 34-35.

means for identifying the transaction as composite, wherein a composite transaction comprises a plurality of transactions, each to be transmitted to a different host, and the plurality of transactions have different payment types and transaction types; See transaction switch 202 in fig 2 and paragraphs 22-25 and 34-35.

means for identifying the transaction as both multi-host and composite; See transaction switch 202 in fig 2 and paragraphs 13 and 34-35.

means for identifying the at least one host for sending the primary transaction request thereto; and See transaction switch 202 in fig 2 and paragraphs 13 and 34-35.

means for interpreting a response from the at least one host and determining a need for further processing. See transaction switch 202 in fig 2 and paragraphs 15 and 34-35.

17. The system according to claim 16, wherein the transaction switch further comprising:

means for processing a secondary transaction request from the initiator, the secondary transaction request containing a reference to the primary transaction request; See transaction switch 202 in fig 2 and paragraphs 17 and 34-35.

means for retrieving a transaction history using the unique identifier; and See transaction switch 202 in fig 2 and paragraphs 15 and 34-35.

means for transmitting a request to the least one host contained in the transaction history for reversing the primary transaction. See transaction switch 202 in fig 2 and paragraphs 15 and 34-35.

18. A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform method steps for handling a financial transaction in a transaction switch, the method steps comprising the steps of:

receiving a primary transaction request from an initiator; See paragraphs 27-32 and figs 3-4.

identifying a host from a routing table for receiving the primary transaction request based on details provided in the primary transaction request; See paragraphs 27-32 and figs 3-4.

transmitting the primary transaction request to the identified host; See paragraphs 27-32 and figs 3-4.

receiving a response from the identified host, See paragraphs 27-32 and figs 3-4.

determining a need for transmitting the primary transaction request to another host; and See paragraphs 13, 14, 20-21 and 27-32 and figs 3-4.

interpreting the response received and transmitting a final outcome back to the initiator. See paragraphs 27-32 and figs 3-4.

19. The method of claim 1, wherein the determining a need for transmitting the primary transaction request to another host comprises:

determining the need for transmitting the primary transaction request to the another host based on at least one of a payment type in the primary transaction request, a transaction type in the primary transaction request and a response code in the response received from the identified host. See paragraphs 13, 14, 20-21 and 27-32 and figs 3-4.

(6) Grounds of Rejection to be Reviewed on Appeal

A. Claims 1-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

B. Claims 1-19 are rejected under 35 U.S.C. §102(e) as being anticipated by Ofir et al. (7,219,149), referred to as Ofir.

(7) Arguments

A. The rejection of claims 1-9 under 35 U.S.C. §112 second paragraph should be reversed because the claims are definite

Claim 1 recites, "determining a need for transmitting the primary transaction request to another host." The Examiner contends that there would be no need to for the applicant's system to make this determination because each transaction is already mapped to a destination host in the routing table of the switch.

Firstly, claim 1 does not recite a pre-mapping of each transaction to a host in a switch routing table. Thus, it is unclear why claim 1 is rejected under 112 second paragraph as being indefinite and unclear. Claim 1 clearly recites transmitting the primary transaction

request to the identified host, and determining a need for transmitting the primary transaction request to another host. There is nothing unclear or indefinite about these claim features.

Secondly, as described above, claim 1 recites, "determining a need for transmitting the primary transaction request to another host." As stated in the previous response, According to embodiments described in the Applicants specification, a switch is operable to perform composite and/or multi-host transactions. For example, the switch 202 includes modules for determining whether a received primary transaction is a composite or a multi-host transaction. The determination may be based on one or more of the payment type, transaction type, and response code from a host sending a response to the primary transaction. For example, based on one or more of the payment type, transaction type, and the response code, the analyzing module determines whether the transaction should be sent to a second host for processing. See paragraphs 13, 14 and 20-21.

Thus, there is a need to determine whether the specific transaction is of a type, such as a multi-host or composite, where the transaction should be sent to a second host. Conventional switches do not support composite transactions and are unable to determine whether a transaction is a composite transaction or a multi-host transaction.

B. The rejection of claims 1-19 under 35 U.S.C. §102(e) as being anticipated by Ofir should be reversed because Ofir fails to teach all the claimed features

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the

Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

> Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-19 were rejected under 35 U.S.C. §102(a) as being anticipated by Ofir.

Independent claims 1 and 18

Independent claims 1 and 18 recite:

> determining a need for transmitting the primary transaction request to another host.

The rejection alleges this feature is taught in Ofir, because Ofir discloses the client node selects a route to forward the transaction based in part on the service name, link, capacity, configuration, and processor loading. See Ofir column 30, lines 9-24.

Selecting a route to transfer a transaction does not require determining whether there is a need to send the primary transaction to another host. Instead, Ofir simply discloses criteria, such as service name, link, capacity, configuration, and processor loading, used for selecting a route to a host. There is no criteria or process disclosed for determining whether there is an actual need to send the transaction to another host.

Also, claims 1 and 18 specifically recite determining a need for transmitting the primary transaction request to another host, which is not taught by Ofir. In particular claims 1 and 18 recite,

> transmitting the primary transaction request to the identified host;
> receiving a response from the identified host,
> determining a need for transmitting the primary transaction request to another host.

As described in Ofir in column 30, lines 18-24, once the host receives the request, the host sends a response to the client node. However, the same request is not transmitted to another host, and there is no subsequent decision made to determine whether there is a need to send to another host.

Dependent Claims 4 and 19

Claim 19 is dependent on claim 1 and recites:

> wherein the determining a need for transmitting the primary transaction request to another host comprises determining the need for transmitting the primary transaction request to another host based on at least one of a payment type in the primary transaction request, a transaction type in the primary transaction request and a response code in the response received from the identified host.

Ofir fails to teach determining the need for transmitting the primary transaction request to another host based on at least one of a payment type in the primary transaction

request, a transaction type in the primary transaction request and a response code in the response received from the identified host.

Dependent claim 4 recites a secondary transaction containing a reference to a primary transaction. Ofir fails to teach the request sent on the secondary connection references the request sent on the primary connection. Also, claim 4 recites transmitting a request reversing the primary transaction. Ofir fails to teach such a request.

Independent claim 5

Independent claim 5 recites,

> preparing a plurality of transaction packets for transmission to a plurality of hosts based on the transaction type and the payment type;
>
> receiving a plurality of responses at the switch from the plurality of hosts, and
>
> interpreting the plurality of responses and transmitting a final outcome to the initiator.

Ofir fails to teach a plurality of hosts and sending a plurality of packets to the hosts based on the transaction type and the payment type. Ofir discloses a single host, as shown in figures 4 and 5, for receiving and responding to a request. The rejection cites column 30, lines 10-15 of Ofir as allegedly disclosing this feature. It appears that the rejection is interpreting the service node as a first host forwarding the request to the host 36. This interpretation of a service node as a host is unreasonable at least for the fact that Ofir distinguishes a service node from a host by calling a service node a node and by calling a host a host. The service node 25b does not perform the transaction processing performed by the

host 36 and its processors. Furthermore, claim 5 recites sending to a plurality of hosts based on payment type. Ofir discloses a transaction type in col. 29, lines 64-67, but fails to teach taking into consideration payment type when sending the request to the service node or the host.

Ofir also fails to teach receiving a plurality of responses at the switch from the plurality of hosts. Instead, Ofir only discloses a single response. The response is sent from the host to the network, and the network forwards the same response to the terminal adapter. See Ofir; col. 30, lines 18-24 and col. 13, lines 31-37 and the simple response 414 in figure 4. Since there is only a single response in Ofir, Ofir also fails to teach interpreting a plurality of responses.

Dependent Claim 9

Claim 9 is dependent on independent claim 5. The features of dependent claim 9 are similar to the features of claim 4 described above and not taught by Ofir. In particular claim 9 recites,

> receiving a secondary transaction containing a reference to the primary transaction request;
>
> retrieving a transaction history using the unique identifier; and
>
> transmitting a request to a host contained in the transaction history for reversing the primary transaction.

At least the secondary transaction and the request to a host contained in the transaction history for reversing the primary transaction are not taught by Ofir.

Independent claims 10 and 13

Independent claims 10 and 13 recite,

> means for identifying the primary transaction request as multi-host, wherein a multi-host transaction is a transaction that has to be routed to multiple hosts;
>
> means for identifying the transaction as composite, wherein a composite transaction comprises a plurality of transactions, each to be transmitted to a different host, and the plurality of transactions have different payment types and transaction types;
>
> means for identifying the transaction as both multi-host and composite.

Ofir fails to teach these features. The rejection alleges Ofir discloses identifying a transaction as multi-host or composite, because Ofir discloses the terminal adapter determines the appropriate host to relay the transaction information based on information provided by the network 33. The rejection then states, "If the information provided to the network 33 states the transaction is multi-host, inherently this transaction would be relayed to the appropriate hosts."

Ofir, however, fails to teach the network 33 determines whether the transaction is multi-host or composite, so Ofir fails to teach means for identifying a transaction as multi-host or both multi-host and composite. Further, Ofir fails to teach a composite transaction comprised of a plurality of transactions, each to be transmitted to a different host, and the plurality of transactions have different payment types and transaction types.

Dependent Claims 12 and 17

Ofir fails to teach identifying the payment type, as recited in dependent claim 12.

Ofir fails to teach a request for reversing a primary transaction, as recited in dependent claim 17.

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(8) Conclusion

For at least the reasons given above, the rejections of claims 1-9 under 35 USC 112 second paragraph and the rejection of claims 1-19 under 35 USC 102(e) as being anticipated by Ofir should be reversed. Accordingly, it is respectfully requested that these claims be allowed. Attached below for the Board's convenience is an Appendix of claims 1-23 as currently pending.

Please grant any required extensions of time and charge any fees due in connection with this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

Dated: May 27, 2008 By

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(9) **Claim Appendix**

1. A method of handling a financial transaction in a transaction switch, the method comprising the steps of:

receiving a primary transaction request from an initiator;

identifying a host from a routing table for receiving the primary transaction request based on details provided in the primary transaction request;

transmitting the primary transaction request to the identified host;

receiving a response from the identified host,

determining a need for transmitting the primary transaction request to another host; and

interpreting the response received and transmitting a final outcome back to the initiator.

2. The method according to Claim 1, wherein the step of receiving the primary transaction request comprises the step of receiving the primary transaction request in an XML format.

3. The method according to Claim 1 further comprising:

recording each transmission between the initiator, the transaction switch and the host and assigning a unique identifier to each transmission.

4. The method according to Claim 3 further comprising

receiving a secondary transaction containing a reference to the primary transaction request;

retrieving a transaction history using the unique identifier; and

transmitting a request to a host contained in the transaction history for reversing the primary transaction.

5. A method of handling a composite financial transaction in a transaction switch, the steps comprising:

receiving a primary transaction request from an initiator;

identifying the transaction as a composite transaction wherein the composite transaction comprises a transaction type and a payment type;

preparing a plurality of transaction packets for transmission to a plurality of hosts based on the transaction type and the payment type;

receiving a plurality of responses at the switch from the plurality of hosts, and

interpreting the plurality of responses and transmitting a final outcome to the initiator.

6. (Original) The method according to Claim 5, wherein the step of receiving the primary transaction request comprises the step of receiving the primary transaction request in an XML format.

7. (Original) The method according to Claim 5 further comprising determining from the plurality of responses a need for transmitting the request to another host.

8. The method according to Claim 7 further comprising:

recording each transmission between the initiator, the transaction switch and the plurality of hosts and assigning a unique identifier to each transmission.

9. The method according to Claim 8 further comprising:

receiving a secondary transaction containing a reference to the primary transaction request;

retrieving a transaction history using the unique identifier; and

transmitting a request to hosts contained in the transaction history for reversing the primary transaction.

10. A transaction switch comprising:

means for processing a transaction request;

means for identifying the transaction as multi-host , wherein a multi-host transaction is a transaction that has to be routed to multiple hosts;

means for identifying the transaction as composite, wherein a composite transaction comprises a plurality of transactions, each to be transmitted to a different host, and the plurality of transactions have different payment types and transaction types;

means for identifying the transaction as both multi-host and composite;

means for identifying a first host for processing the transaction; and

means for interpreting a response from the host after processing the transaction and determining a need for further processing.

11. The switch according to Claim 10, wherein the means for interpreting a response further includes means for identifying a second host for processing the transaction.

12. The switch according to Claim 10 further includes means for preparing a plurality of transaction packets for a transaction identified as composite and identifying the payment and transaction types for each of the plurality of transaction packets.

13. A financial transaction handling system comprising:

an initiator for initiating a primary transaction request;

a transaction switch in communication with the initiator; and

at least one host in communication with the transaction switch for processing the transaction request;

wherein the transaction switch comprises:

means for processing the primary transaction request;

means for identifying the primary transaction request as multi-host, wherein a multi-host transaction is a transaction that has to be routed to multiple hosts;

means for identifying the transaction as composite, wherein a composite transaction comprises a plurality of transactions, each to be transmitted to a different host, and the plurality of transactions have different payment types and transaction types;

means for identifying the transaction as both multi-host and composite;

means for identifying the at least one host for sending the primary transaction request thereto; and

means for interpreting a response from the at least one host and determining a need for further processing.

14. The system according to claim 13, wherein the primary transaction request is in an XML format.

15. The system according to claim 13, wherein the means for identifying the at least one host comprises means for identifying the at least one host from a routing table based on details provided in the primary transaction request.

16. The system according to claim 13, wherein the transaction switch further comprises means for recording each transmission between the initiator, the transaction switch and the at least one host and assigning a unique identifier to each transmission.

17. The system according to claim 16, wherein the transaction switch further comprising:

means for processing a secondary transaction request from the initiator, the secondary transaction request containing a reference to the primary transaction request;

means for retrieving a transaction history using the unique identifier; and

means for transmitting a request to the least one host contained in the transaction history for reversing the primary transaction.

18. A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform method steps for handling a financial transaction in a transaction switch, the method steps comprising the steps of:

receiving a primary transaction request from an initiator;

identifying a host from a routing table for receiving the primary transaction request based on details provided in the primary transaction request;

transmitting the primary transaction request to the identified host;

receiving a response from the identified host,

determining a need for transmitting the primary transaction request to another host: and

interpreting the response received and transmitting a final outcome back to the initiator.

19. The method of claim 1, wherein the determining a need for transmitting the primary transaction request to another host comprises:

determining the need for transmitting the primary transaction request to the another host based on at least one of a payment type in the primary transaction request, a transaction type in the primary transaction request and a response code in the response received from the identified host.

PATENT

Atty Docket No.: 200209086-1
App. Ser. No.: 10/802,163

(10) Evidence Appendix

None.

PATENT

Atty Docket No.: 200209086-1
App. Ser. No.: 10/802,163

(11) Related Proceedings Appendix

None.